

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)
Attorney Docket: 029014.44732C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

This is a request for filing a X continuation or ___ divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No.: 09/834,832
Filed April 16, 2001
Of Philip Wong
Entitled: WRIST-BASED FITNESS MONITORING DEVICES
Examiner: Frances P. OROPEZA
Group 3762

- X 1. Accompanying this order is a true copy of the prior application as originally filed.

Total pages 20

- X 2. New Formal drawings are being filed herewith consisting of 7 sheet(s), depicting Figures 1-7.

- X 3. Declaration and Power of Attorney:

- a. ___ Newly executed (original or copy)
- b. X Copy from prior application
- i. ___ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

- X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- ___ 5. Cancel original claims



6. Small entity status:
- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on ☐ in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed

☒ 7. The filing fee is calculated below:

Basic Fee				\$375	\$750
Total Claims	8	20 = 0	x 9 = \$		18 = \$750.00
Ind. Claims	2	3 = 0	x 42 = \$		84 = \$
Multiple Dependent Claims			+ 140 = \$		280 = \$
Total			\$		\$750.00

THE FILING FEE IS BEING DEFERRED

- ☐ 8. Please charge my Deposit Account No. 05-1323 (Docket No. ☐) in the amount of \$ ☐.
- ☐ 9. A check in the amount of \$ ☐ to cover the filing fee is enclosed.
- ☒ 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket 029014.44732US).
- ☒ 11. Amend the specification by inserting before the first line the sentence: --This application is a continuation/division of application Serial No. 09/843,892, filed April 16, 2001.--
- ☐ 12. Priority of Appln. No(s). ☐, filed in ☐ on ☐, is hereby claimed under 35 U.S.C. 119.
- ☐ 13. A certified copy of each said priority document was filed in application Serial No. ☐ on ☐.
- ☒ 14. The prior application is assigned of record to Acumen, Inc.
- ☒ 15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg.

No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- ☒ a. The power appears in the original application papers in the prior application.
- ☒ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- ☐ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- ☒ d. Address all future correspondence to:

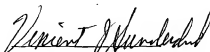
CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300



- ☒ 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- ☐ 17. A Preliminary Amendment is being filed herewith.
- ☐ 18. Return Receipt Postcard.
- ☒ 19. Other: Two Month Extension of Time

Respectfully submitted,

Date: July 21, 2003


Vincent J. Sunderdick
Registration No. 29,004

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VJS/lw

CAM No.: 029014.4473250